

RESOLUTION OF THE GOVERNING BODY OF
THE THREE AFFILIATED TRIBES OF THE
FORT BERTHOLD RESERVATION

WHEREAS, This Nation having accepted the Indian Reorganization Act of June 18, 1934, and authority is under said Act; and

WHEREAS, The Constitution and By-laws of the Three Affiliated Tribes authorizes and empowers the Tribal Business Council to engage in activities for the welfare and benefit of the Tribe and tribal members; and

WHEREAS, The Tribal Business Council recognizes that the basis of any government is the ability to protect its citizens from the unlawful and harmful actions of others; and

WHEREAS, in any society there are times when the intervention of law enforcement personnel is necessary to preserve and protect the rights of others and the society in general; and

WHEREAS, it is of vital importance that there be adequate protections for law enforcement personnel; and

NOW, THEREFORE BE IT RESOLVED, that the following two sections be added to the Tribal Law and Order Code, Chapter IV:

Section 57. Preventing arrest or discharge of duties. - 1. A person is guilty of a crime if with intent to prevent a public servant from effecting an arrest of himself or another for a crime or traffic offence, or from discharging any other official duty, he creates a substantial force to overcome resistance to effecting the arrest or the discharge of the duty. If a person who intends to prevent a public servant from effecting an arrest of himself or another creates a substantial risk of bodily injury to the public servant or to anyone except himself or employs means justifying or requiring substantial force to overcome resistance to effecting such an arrest shall, if convicted, be punished by being imprisoned for a period no less than 120 days nor more than 180 days. In addition, a fine not to exceed \$500.00 may be imposed.

2. It is a defense to a prosecution under this section that the public servant was not acting lawfully, but it is no defense that the defendant mistakenly believed that the public servant was not acting lawfully. A public servant executing a warrant or other process in good faith and under color of law shall be deemed to be acting lawfully.

Section 58. Hindering law enforcement. - 1. A person is guilty of hindering law enforcement if he intentionally interferes with, hinders, delays, or prevents the discovery, apprehension, prosecution, conviction, or punishment of another for an offense by;

- a. Harboring or concealing the other;
- b. Providing the other with a weapon, money, transportation, disguise, or other means of avoiding discovery or apprehension;
- c. Concealing, altering, mutilating, or destroying a document or thing, regardless of its admissibility in evidence;
- d. Warning the other of impending discovery or apprehension other

- than in connection with an effort to bring another into compliance with the law; or
- e. Giving false information or a false report to a law enforcement officer knowing such information or report to be false.
 2. Hindering law enforcement is a crime punishable with a fine not to exceed \$500.00 or imprisonment not to exceed 6 months or both.

C E R T I F I C A T I O N


I, the undersigned, as Secretary of the Tribal Business Council of the Three Affiliated Tribes of the Fort Berthold Reservation, hereby certify that the Tribal Business Council is composed of 11 members of whom 7 constituting a quorum, 8 were present at a Special Meeting, thereof duly called, noticed, convened and held on the 26 day of July, 1979; that the foregoing Resolution was duly adopted at such meeting by the affirmative vote of 5 members, 1 members opposed, 2 members abstained, and that the said Resolution has not been rescinded or amended in any way.

Dated this 26 day of July, 1979.

Chairman (voting) (not voting)


SECRETARY, TRIBAL BUSINESS COUNCIL

ATTEST:


CHAIRMAN, TRIBAL BUSINESS COUNCIL